IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 312 OF 2007

Aniruddha Madhusan Railkar & Anr. .. Petitioners.

V/s

State of Maharashtra & Ors. .. Respondents

Mr.R.S. Datar with Mr.P.J. Das for the Petitioners.

Mr.V.P. Malwankar, A.G.P. for Respondent No.1.

Mr.O. Hareendran, Scrutiny Officer of Respondent No.3 present.

WITH

WRIT PETITION NO. 299 OF 2007

MAPS International .. Petitioner

V/s

State of Maharashtra & Ors. .. Respondents

Mr.Abhay Nevgi i/b Paras Kuhad & Associates for the Petitioners.

Mr.V.P. Malwankar, A.G.P. for Respondent No.1.

Mr.O. Hareendran, Scrutiny Officer of Respondent No.3 present.

CORAM : H.L. GOKHALE, ACG. CJ. &
V.M. KANADE, J.

DATE : 23RD JANUARY 2007

P.C. :

1. Heard the counsel for the parties.

2. The Petitioners in Writ Petition No.312 of 2007

has filed an application being P.D. No.171 of 2006 in the Family Court at Pune for adoption of a child. The Petitioner in Writ Petition No.299 of 2007 is an enlisted foreign adoption agency. It is espousing the case of the applicants in P.D. Nos.174 and 226 of 2006. All these applications are pending in the Family Court at Pune.

3. A grievance is made that the applications are not being decided. In the first petition, the grievance is principally on the footing that one Preet Mandir, wherefrom the children are to be taken under guardianship, does not any longer have the authority to function as the agency giving children in adoption or under guardianship. Same is the problem in the second writ petition.

4. Preet Mandir is no longer authorised for the inter-country adoption. The Petitioners are contending that their applications are not being decided in view of this particular difficulty. That is however on the merits of the submissions as to whether any child from this particular institution could be given for inter-country adoption. Mr.Datar and Mr.Nevgi submit that in any case, applications be decided one way or the other and may not be kept pending. We accept this submission and this is what we direct the Family Court,

viz. that the applications made by the parties concerned be decided on the merits thereof one way or the other. We however make it clear that amongst others, it will be open to the Family Court to examine the question as to whether the child concerned recommended by the particular institution could be given in guardianship. The Family Court will decide the applications expeditiously.

5. Petitions stand disposed of with the above order.

ACTING CHIEF JUSTICE

V.M. KANADE, J.